

**Planning Permission 11/01867/FUL
at
57 Constitution Street
Edinburgh
EH6 7AF**

**Development Management Sub-Committee
of the Planning Committee**

9 November 2011

Previous Committee

This application was previously considered by Committee on **09.11.2011**

Outcome of previous Committee

Reasons for Refusal - This application was recommended for approval by the Head of Planning. The Committee decided to refuse the application and it is returning to Committee to agree the reasons for refusal as set out in the addendum at the end of section 3 of the report.

1 Purpose of report

To consider application 11/01867/FUL, submitted by Cameron Guest House Group (Mr Kamran Akbar). The application is for: **Change of use from offices and surgery to guesthouse (as amended)**.

It is recommended that this application be **GRANTED** subject to the conditions below.

2 The Site and the Proposal

Site description

The property was built as Leith Post Office in 1875 and continued as such until the 1980s. It has laterally been used as offices above and a dentist on the ground floor.

It is listed category B ref.27174 listed on 14 December 1970. It is heavily altered inside and out, externally including removal of the entire front platt to expose an unplanned basement area, relocation of the front door from side to centre, and interiors being plain and dating wholly from the 20th century.

The property has a small courtyard to the rear capable of accommodating five car spaces.

The surrounding area has a mixed character with residential, offices, public houses and restaurants.

This property is located within the Leith Conservation Area.

Site History

12 August 1992 - change of use granted from disused post office to 5 offices (application reference 91/02050/FUL).

Pre-Application Process

There is no pre-application process history

Description Of The Proposal

The application proposes change of use from offices to a guesthouse. The guesthouse is laid out as 11 separate suites with one extra suite designated as a manager's flat. A communal dining room with adjoining guest kitchen is provided to the rear at ground floor. There is a reception area and laundry room, also on the ground floor.

Each suite has a tea point and an en-suite shower room. One suite is a studio with an integral living/sleeping area; one suite has a living room and two bedrooms; and the remaining suites all have a living room and one bedroom.

There are five parking spaces included in the proposals.

Previous proposals

Revised plans have been submitted reducing the number of bed spaces and introducing tea points rather than kitchens. However, as this is an application for a change of use and the internal alterations do not require planning permission, the internal layout is not a material planning consideration.

Supporting statement

The applicant has submitted a management statement with the following information;

- The guest house will operate on the basis of a maximum of 13 bedrooms as indicated on the proposed plans;
- The guest house will operate with a 24 hour on site management presence;
- In compliance with parking standards, 5 parking spaces are proposed; and; and
- The guest house is aimed at the tourist and business market. Business guests in particular may require longer stays, as offered by competitors. Because of this, our client will not accept a planning condition restricting the length of stay.

3. Officer's Assessment and Recommendation

Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

ASSESSMENT

To address these determining issues, the Committee needs to consider whether:

- a) The proposed use is acceptable in this location;
- b) The proposals would have no impact on road safety; and
- c) The proposals are detrimental to neighbouring amenity.

a) Guest houses come under class 7 of the Use Classes Order (Scotland) 1997. This class covers hotels and hostels and states *Use as a hotel, boarding house, guest house or hostel where no significant element of care is provided....*

Policy Emp 5 of the local plan specifies where hotels (and by inference also any class 7 use such as guest house or hostel) may be permitted. The location is not in the city centre nor is it on a main approach road to the city. However, it is an accessible location within Leith being near to a bus stop and within walking distance of the City Centre. It is acceptable in principle provided it meets other policy considerations of the Plan.

b) The guidelines on parking standards require 5 spaces to serve 13 bedrooms. Were the number of bedrooms to increase there would be insufficient parking for the development. A condition is recommended to ensure that the number of bedrooms does not increase.

It is noted that the proposal lies on the proposed tram route. A tram contribution of £6256 is requested. The route is also a bus route. A further £2000 is requested for improvements to existing public transport infrastructure. A travel plan is also required. These will be requested as part of a legal agreement.

c) The street is a busy thoroughfare with a number of public houses. However, there are also nearby residential uses which may be affected by the increased activity from the guest house.

Environmental Assessment has advised that the surrounding area is reasonably busy with high ambient noise levels already existing during the day and at night. The noise from a guest house is unlikely to be significant in this context.

A number of objectors have raised a concern that this development will be a residential use and will be occupied by vulnerable people who could create a nuisance. However, there is no actual evidence in this application to support this. Whilst the layouts show living rooms, the applicant has explained that business guests may require a longer stay. In addition, there is no definition of a guest house in planning legislation and so nothing to confirm that this is not a guest house.

In conclusion, the use is supported by the development plan in terms of its location. The balance between parking and bedspaces may be restricted by means of a condition. There is no reason to conclude that the use might adversely impact on residential amenity.

It is recommended that the Committee approves the application subject to legal agreements on contributions to tram, public transport and a travel plan. A condition on a restriction of bedroom numbers is also required.

Addendum

Committee considered the application on 9th November 2011.

They were minded to Refuse the application for reason of:

1. Overprovision of guesthouses in the area and impact on residential amenity.
2. Pressure on car parking.

In response to these issues the following reasons for refusal are suggested:

1. "The proposal is contrary to policy Hou8, Inappropriate Uses in Residential Areas, in that the use is expected to lead to a loss of adjacent residential amenity for reason of noise and disturbance".
2. " The proposal is contrary to non-statutory guidelines on Parking Standards in that the required number of parking spaces would exceed the five spaces illustrated".

REASON FOR DECISION

The proposal complies with development plan policies and non-statutory guidelines and there is no reason to presume any loss of residential amenity due to the change.

John Bury
Head of Planning

Contact/tel	Stephen Dickson on 0131 529 3529
Ward affected	A13 - Leith
Local Plan	Edinburgh City Local Plan
Statutory Development Plan Provision	Leith Conservation Area
Date registered	9 June 2011
Drawing numbers/ Scheme	1,2b-5b Scheme 3

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Jenny Bruce on 529 3510.
Email: jenny.bruce@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation and you wish to request one at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee agenda papers.

Application Type Planning Permission
Application Address: 57 Constitution Street
Edinburgh
EH6 7AF

Proposal: Change of use from offices and surgery to guesthouse (as amended).

Reference No: 11/01867/FUL

Consultations, Representations and Planning Policy

Consultations

Services For Communities

The application proposes the change of use of existing offices and dentist surgery to a guest house. Residential properties are situated to the south on Constitution Street and to the east on Mitchell Street. Residential properties are situated across Mitchell Street to the north and offices are across Constitution Street to the west.

Class 7 premises can cause noise and disturbance from patrons entering and exiting the premises in the late and early hours of the day and night. However, the surrounding area is reasonably busy with high ambient noise levels already existing throughout the day and night. Therefore, noise from the use of the guest house by patrons is unlikely to be significantly noticeable or detrimentally impact upon the existing surrounding residential amenity.

The agent for the application has confirmed that the guest's rooms will be provided with a domestic level of kitchen facilities available with only a microwave and fridge available for use. Therefore, there is unlikely to be any significant levels of kitchen odours affecting surrounding properties.

Therefore, Environmental Assessment has no objections to this proposed development.

Transport

I would advise that the application be refused.

Reason: The current proposals do not meet the Council's current parking standards (minimum of 8 and maximum of 13 spaces).

Transport- Revised comments Sept 2011

No objections to the proposed planning application. However I would like the following points to be noted and attached to any approval as conditions or informatives as considered appropriate:

On the basis of our meeting on the 30th August 2011 and the agreement that the application is for 13 bedrooms the additional 2no spaces proposed in the pend equalling 5 in total meets our parking standards.

Consent should not be issued until the applicant has signed a suitable legal agreement to provide the following:

- 1. A financial contribution to the Edinburgh Tram of £6,256 in line with the approved Tram Line Developer Contributions report (based on 13 bedrooms in Zone 1);*
- 2. A financial contribution of £2,000 for the improvement of public transport infrastructure, (to accommodate movement needs associated with the development in the vicinity in accordance with LTS policies and the approved transport contributions report).*
- 3. A draft travel plan to the satisfaction of the Director of City Development to be submitted for approval prior to occupation and a finalised travel plan to be submitted within 12 months of that date.*

Representations

The application was advertised on 24 June 2011.

Sixteen objections (fifteen of which were material) were received including one from Leith Links Residents' Association. Reasons for objection were:

1. Overprovision of guest-house accommodation in the area;
2. Lack of car parking;
3. Belief that a guest-house was not the true intended use; and
4. Increased noise/nuisance.

Several non-material issues were also raised such as damaging trade, disposal of waste and loss of dentist.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The property lies in the Leith Conservation Area as shown in the ECLP.

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Emp 5 (Hotel Development) sets criteria for assessing sites for hotel development.

Relevant Non-Statutory Guidelines

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Appendix B



Application Type Planning Permission
Application Address: 57 Constitution Street
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Proposal: Change of use from offices and surgery to guesthouse (as amended).

Reference No: 11/01867/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **GRANTED** subject to the conditions below.

Conditions

1. The number of bedrooms in the development hereby approved shall be limited to 13 in total.

Reasons

1. To ensure that parking standards are sustained on the site.

INFORMATIVES

It should be noted that:

1. Prior to the issue of consent the applicant shall enter into a legal agreement with the Council to ensure a contribution of £6256 to the tram line and a further £2000 towards the improvement of public transport infrastructure. A travel plan should also form part of the legal agreement.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

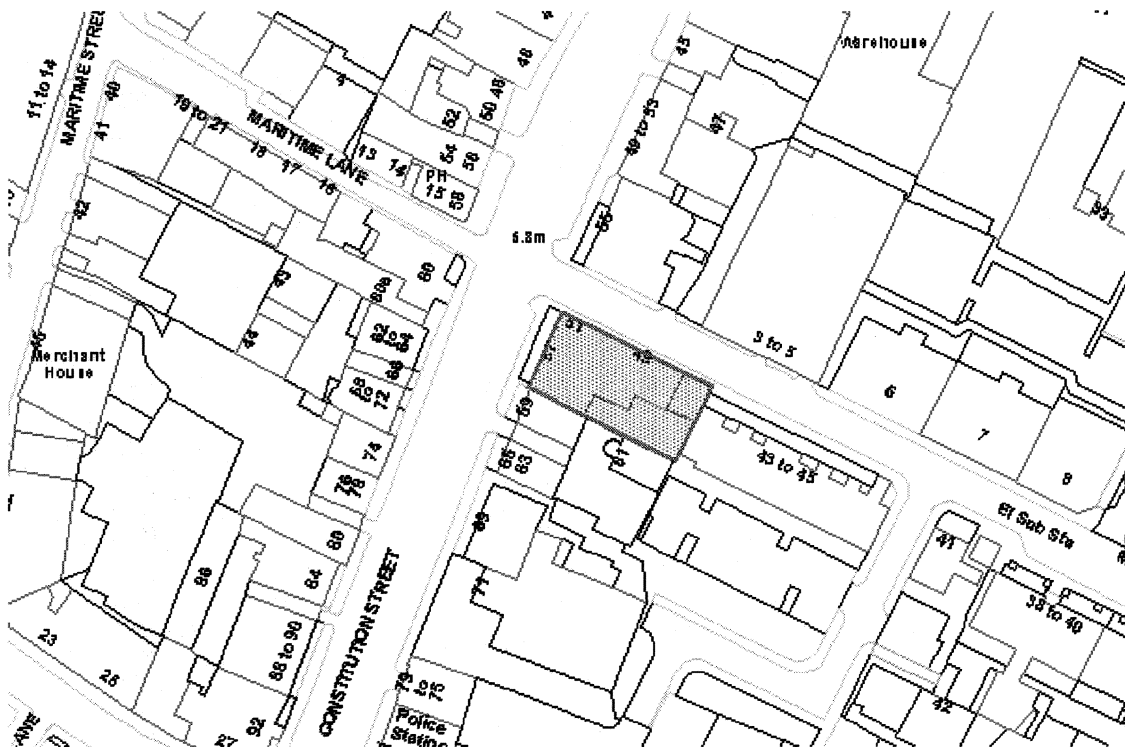
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Appendix C

Application Type Planning Permission

Proposal: Change of use from offices and surgery to guesthouse (as amended).

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Location Plan

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